

Lawsuit targets costly federal program aimed at removing trees on levees

By Kevin Clerici

Monday, June 20, 2011

A new federal program in California requiring removal of all trees and shrubs within 15 feet of a levee — which Ventura County officials say would be extremely costly — is the target of a federal lawsuit filed Monday.

The lawsuit, filed by the Friends of the River, Center for Biological Diversity and Defenders of Wildlife, seeks to overturn an Army Corps of Engineers program that requires trees be removed from levees, despite evidence the vegetation provides important habitat for endangered fish, birds and other species. The suit further argues that tree removal might actually reduce levee safety.

"We will pursue this case vigorously and as rapidly as the court allows," said Bob Wright, senior counsel for Friends of the River.

After Hurricane Katrina, the Army Corps made major changes to its nationwide levee program, including new standards in 2009 banning vegetation within 15 feet of levees. The Corps previously has said the policy is not yet final, according to the Sacramento Bee.

The Corps wants the vegetation cleared away to keep plants and animals from weakening the vital structures and potentially unleashing floodwaters into communities.

But government officials in Ventura County and around the state counter that a one-size-fits-all approach makes no sense, pointing to how weather patterns and topography differ dramatically around the country.

Wright said the Corps ignored its legal obligation to analyze the impacts of the new program under the National Environmental Policy Act by failing to prepare an environmental impact statement before adopting the decision. It also ignored its requirement, under the Endangered Species Act, to consult with federal wildlife agencies for the impacts on threatened and endangered species, he said.

Wright contends that the Corps has tried to shift the burden of implementation and environmental compliance to local agencies and flood-control districts.

"The Corps adopted a new standard requiring removal of all vegetation from levees without environmental review, consideration of regional differences or scientific support," said Jeff Miller of the Center for Biological Diversity. "Not only is there little proof trees or well-managed vegetation threaten levees in California, the Corps' own research shows trees stabilize and strengthen levees."

Jay Field, a spokesman for the Corps' district office in Los Angeles, said Monday that the agency does not comment on pending litigation.

The cost of the policy is high because other agencies charged with environmental protection would require the replanting of up to 10 acres for every one acre removed, officials said.

Ventura County has more than 30 miles of levees, including those along the Ventura and Santa Clara rivers, the Sespe Creek and the Arroyo Simi.

One example lies in a two-acre area along the Ventura River, south of Matilija Dam. Endangered species are starting to thrive in the area, which was restored in 1999 at cost of \$250,000.

Under the federal rules, all vegetation would have to be removed, including some of which is on the outside of the levee, said Sue Hughes, deputy executive officer for Ventura County.

"The project we built in 1999 had a cost \$250,000," Hughes said Monday. "If we were forced to remove the vegetation, it could require a replacement at a 10 to 1 ratio. Now you are talking about \$2 million project. That's costly."

The major flood-control associations in the Central Valley and Bay Area, where most of the state's levees are located have objected to or formally expressed concerns about the program. The state Department of Water Resources estimates statewide compliance cost at \$7.8 billion.



© 2011 Scripps Newspaper Group — Online